

**Bi-Weekly Navajo *Inter Se* Report
December 26, 2012**

**San Juan River Basin Adjudication
Claims of the Navajo Nation
CV-75-184; Case No. AB-07-1**

Eleventh Judicial District Court

103 S. Oliver

Aztec, NM 87410

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505-334-7805

<http://sjrba.11thjdc.com/Navajo%20Claim%20Subfiles>

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2012 DEC 26 PM 2:55
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PLEASE NOTE: SUMMARY REQUIRED: As required by the **Order Mandating Alternative Method For Service of Orders, Motions, Notices and Other Court Papers** filed September 28, 2011, no motion or other request for relief will be considered by the Court unless it is accompanied by a separate written summary of the motion or other request for relief.

This summary must include:

1. The name of the party filing the pleading
2. The title of the pleading
3. A descriptive summary of the relief sought, **no longer than seventy-five (75) words**
4. The total number of pages in the pleading

PROCEDURAL AND SCHEDULING ORDERS CURRENTLY IN EFFECT

Date Filed:	Document Title
November 19, 2012	Corrected Order Summarizing Discovery Activities Discussed at the November 6, 2012 Discovery Conference
November 6, 2012	Second Amended Order Setting Schedule Governing Discovery on The Non-Settling Parties and Remaining Proceedings
September 28, 2011	Order Mandating Alternative Method For Service of Orders, Motions, Notices and Other Court Papers
August 7, 2012	Amended Order Setting Schedule Governing Discovery on the Non-Settling Parties and Remaining Proceedings

PENDING HEARINGS

<u>DATE / TIME / TYPE OF HEARING</u>	<u>LOCATIONS</u>
<p>January 9th, 2013 9:00 am Discovery Conference</p> <p>Matters to be Heard: 1.) Status of Discovery 2.) Any discovery disputes that need to be addressed</p>	<p>N.M. Court of Appeals Supreme Court Building 237 Don Gaspar, Room 116 Santa Fe, NM 87501</p> <p>And VIDEO CONNECTION TO</p> <p>Aztec District Court 103 South Oliver Drive Aztec, NM 87410</p>
<p>February 4th, 2013 9:00 am Discovery Conference</p>	<p>N.M. Court of Appeals Supreme Court Building 237 Don Gaspar, Room 116 Santa Fe, NM 87501</p> <p>And VIDEO CONNECTION TO</p> <p>Aztec District Court 103 South Oliver Drive Aztec, NM 87410</p>

PENDING DEADLINES

March 1, 2013	Close of Discovery
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<u>Dispositive Motions</u>	
March 15, 2013	Settling Parties' memorandum in support of the Settlement Motion of the United States, Navajo Nation and State of New Mexico for Entry of Partial Final Decrees, filed January 3, 2011
March 15, 2013	Non-Settling Parties to file dispositive motions
April 10, 2013	Responses to dispositive motions
April 24, 2013	Replies to responses to dispositive motions
Week of May 6, 2013	Hearing on dispositive motions
Week of June 10, 2013	Decision on the need for evidentiary hearing
June 24, 2013	Submittal of Witness Lists and Exchange of Exhibits
June 27, 2013	Parties Submit Proposed Pretrial Order
July 2, 2013	Pre-hearing Conference
July 22, 2013	Parties Submit Proposed pre-hearing findings of facts and conclusions of law
Weeks of July 29, August 5, and August 12, 2013:	Evidentiary Hearing
<u>Post Hearing Briefing</u>	
30 Days After Evidentiary Hearing	Proposed post-hearing findings of fact and conclusions of law and memorandum in support (Settling Parties and Non-Settling Parties)
10 Days After Proposed Findings of Facts and Conclusions of Law	Responses
December 31, 2013	Decision of Court

DOCUMENTS FILED December 10, 2012 through December 21, 2012

Date Filed	Document Title
12-10-2012	Public Service Company of New Mexico and Tucson Electric Power Company's Identification of Potential Witnesses <u>Summary: PNM and TEP Witness List</u>
12-11-2012	Bi-Weekly Navajo Inter Se Report for 12-10-2012
12-11-2012	Gary L. Horner's Response to ConocoPhillips and El Paso Natural Gas Company's Joint Motion With San Juan Water Commission to Stay Consideration of Gary L. Horner's Motion on the Applicable Standard for Determination of Federal Reserved Water Rights <u>Summary: The consideration of Gary L. Horner's Motion for the Determination of the Applicable Standard for Determination of Federal Reserved Water Rights should not be stayed</u>

12-12-2012	San Juan Water Commission's Second Supplemental Identification of Potential Witnesses <u>Summary:</u> San Juan Water Commission provides its second supplemental identification of potential witnesses
12-13-2012	Supplemental Identification of Possible Expert Witnesses by The Community Ditch Defendant-Counterclaimants <u>Summary:</u> Defendant-Counterclaimants may call the authors of the "Colorado River Basin Water Supply and Demand Study Reports", released yesterday by the United States Department of the Interior and Bureau of Reclamation (December 12, 2012)
12-13-2012	LPAA Parties Designation of Potential Witnesses <u>Summary:</u> LPAA Parties' Supplemental Identification of Potential Witnesses
12-14-2012	Robert E Oxford Second Set of Answers to The US Governments Discovery Request <u>Summary:</u> Robert E. Oxford second set of answers to the U.S. Government's discovery request after the court has ruled on my objections November 30, 2012
12-14-2012	BHP Navajo Coal Company's Identification of Potential Witnesses <u>Summary:</u> BHP Navajo Company's Witness List
12-14-2012	Enterprise Field Services, LLC's Identification of Potential Witnesses <u>Summary:</u> Enterprise Field Services, LLC's Witness List
12-14-2012	Cities' Witness List <u>Summary:</u> Cities' Witness List
12-14-2012	ConocoPhillips and El Paso Natural Gas Company's Second Supplemental Disclosure of Potential Witnesses <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Second Supplemental Disclosure of Potential Witnesses
12-14-2012	Defendants B Square Ranch, LLC ET Al.'s Identification of Expert Witnesses <u>Summary:</u> Defendants B Square Ranch, LLC ET Al.'s Identification of Expert Witnesses
12-14-2012	Certificate of Service by Richard T.C. Tully
12-14-2012	The United States' Motion For Reconsideration of The Court's Order of November 30, 2012 and Request for Expedited Ruling <u>Summary:</u> United States' request that the Court reconsider its Order of November 30, 2012 and issue an expedited ruling
12-14-2012	Albuquerque Bernalillo County Water Utility Authority and The City of Espanola's Second Disclosure of Expert Witnesses <u>Summary:</u> None indicated
12-18-2012	Order Concerning Responses to Gary Horner's November 8, 2012 Motion
12-18-2012	Community Ditch Defendants' Response to Motion to Dismiss Counterclaim <u>Summary:</u> The plaintiff-settling parties have filed a motion to dismiss the counterclaim filed against them in this inter se proceeding. The motion has no support in fact or law. The motion is contrary to Rules 8, 12, 54 and 71.2. The motion is simply another attempt to prevent water rights owners from presenting their side of the case to the court.
12-19-2012	Navajo Nations Joinder in The United States Motion for Reconsideration of The Courts Order of November 30 2012 <u>Summary:</u> The Navajo Nation joins in <i>The United States' Motion for</i>

	<i>Reconsideration of the Court's Order of November 30, 2012 and Request for Expedited Ruling</i>
12-20-2012	Order Denying The United States' Motion for Reconsideration and Clarifying The Court's November 30, 2012 Discovery Order
12-20-2012	San Juan Water Commissions Supplemental Responses to The United States Discovery Requests <u>Summary:</u> San Juan Water Commissions Supplemental Responses to The United States Discovery Requests
12-20-2012	Certificate of Service of SJWCs Supplemental Responses to The US Discovery Requests
12-20-2012	San Juan Water Commissions Supplemental Responses to The State OF New Mexico's Discovery Requests <u>Summary:</u> San Juan Water Commissions Supplemental Responses to The State OF New Mexico's Discovery Requests
12-20-2012	Certificate of Service of SJWCs Supplemental Responses to The State of NMs Discovery Requests
12-21-2012	Community Ditch Defendants Supplemental Response to Request For Production <u>Summary:</u> Community Ditch Defendants supplement their response to U.S. FRP No. 5
12-21-2012	Certificate of Service by Richard TC Tully
12-21-2012	Bloomfield School's Joinder in The City of Aztec and City of Bloomfield's Supplemental Answers and Supplemental Responses to The United States' Discovery Requests <u>Summary:</u> Board of Education, Bloomfield School's joinder in the City of Aztec and City of Bloomfield's Supplemental Answers and Supplemental Responses to the United States' Discovery Requests
12-21-2012	Certificate of Service by Jay F Stein <u>Summary:</u> Certificate of Service for Albuquerque Bernalillo County Water Utility Authority and City of Espanola's Supplemental Responses and Objections to United States' discovery requests of the ABCWUA and the City of Espanola
12-21-2012	Gary L. Horner's Supplemental Disclosures <u>Summary:</u> This document represents Mr. Horner's supplemental disclosures with respect to Navajo Settlement Agreement and proposed Decrees associated therewith
12-21-2012	Gary L Horner's Responses to The United States' Discovery Requests of Gary L Horner <u>Summary:</u> This document represents Mr. Horner's responses to the U.S. Discovery Requests
12-21-2012	Certificate of Service by Cassandra R. Malone <u>Summary:</u> Service of the City of Aztec and City of Bloomfield's supplemental answers and supplemental responses to the United States' discovery requests
12-21-2012	Certificate of Service by Cassandra R. Malone <u>Summary:</u> Service of the City of Aztec and City of Bloomfield's supplemental answers and supplemental responses to the State of New Mexico's discovery requests
12-21-2012	ConocoPhillips and El Paso Natural Gas Company's Supplemental Responses to The United States' Discovery Requests

	<u>Summary: Supplemental Responses to United States' Discovery Requests</u>

OBTAINING DOCUMENTS CONTAINED IN THIS REPORT:

Documents are available in their entirety on the Court website, at <http://sjrba.11thjdc.com/Navajo%20Claim%20Subfiles>. A paper copy may be obtained from the Court by requesting a hardcopy from the Court in writing addressed to:

Water Clerk Specialist
Eleventh Judicial District Court
103 So. Oliver Dr.
Aztec, NM 87410

The request shall include a money order to cover copying costs, currently set at \$.35 per page. The request shall also include a self-addressed envelope of sufficient size and with sufficient postage for mailing the requested documents.

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